

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

ALDEN ALEXANDER THOMAS, JR.,

Petitioner,

v.

**SUPERIOR COURT OF THE STATE OF
CALIFORNIA, et al.,**

Respondents.

Case No. CV 17-273-DSF(AJW)

**MEMORANDUM AND ORDER
DISMISSING PETITION
WITHOUT PREJUDICE**

Petitioner is a state prisoner serving a life sentence. On January 18, 2107, petitioner filed a document entitled "Petition for Writ of Mandate/Prohibition." [Docket No. ("Dkt.") 5]. The petition seeks an order compelling the Los Angeles County Superior Court to enter a judgment finding that a two-page document submitted by petitioner is a genuine document. The document purports to be a grant of asylum from the country of Belize. [Dkt. 5 at 10-11]. As best the Court can discern, petitioner hopes to rely upon this document to secure a transfer from the custody of the State of California to the country of Belize.

The federal mandamus statute provides that "[t]he district courts shall have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff." 28 U.S.C. § 1361. Federal district courts lack the power to issue writs of mandamus directing state courts, state judicial officers, or other state officials

1 in the performance of their duties. Demos v. U.S. District Court, 925 F.2d 1160, 1161-1162 (9th Cir.)
2 (a petition for a writ of mandamus “to compel a state court to take or refrain from some action” is
3 “frivolous as a matter of law”), cert. denied, 498 U.S. 1123 (1991); Rodriguez v. Court of Appeal, 2013
4 WL 5603948, at *1 (C.D. Cal. Oct. 10, 2013) (same), aff’d, Feb. 27, 2014 (9th Cir. Case No. 13-56905).
5 Because the Los Angeles County Superior Court is not an officer, employee or agency of the United
6 States, this Court lacks jurisdiction to issue a writ of mandamus to compel it to perform its alleged duty.

7 Accordingly, the petition for writ of mandamus is dismissed without prejudice for lack of
8 jurisdiction.

9 **It is so ordered.**

10 2/16/17

11 Dated: _____



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14 Dale S. Fischer
15 United States District Judge
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